

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

Amendment No. 1 to SB2949

Person, Curtis
Signature of Sponsor

AMEND Senate Bill No. 2949

House Bill No. 2530*

by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-101(a)(2)(A), is amended by designating the current language as subdivision (i) thereof and by inserting the following as a new, appropriately designated subdivision thereof:

(ii) If the court finds by a preponderance of the evidence that a parent has abandoned a child, then unless the court finds by clear and convincing evidence to the contrary, there is a presumption that sole custody in favor of the parent who has not abandoned the child is in the best interest of the child. For the purpose of this subdivision, a parent has abandoned the child if, for a period of three (3) years immediately preceding the filing of a proceeding or pleading to seek custody of the child, the parent or guardian of the child has willfully failed to visit, willfully failed to support or willfully failed to make reasonable payments toward the support of the child, as those terms are used in § 36-1-102 with respect to termination of parental rights. This subdivision shall not be construed to prevent such a parent from being granted visitation with the child. Nothing in this subdivision shall be construed to apply to children in the legal custody of the department of children's services.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.